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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on this the 28th day of November, 2007 by electronic means to the attorneys listed on Appendix 3 (shown below) pursuant to the Court's Order and by U.S. mail, postage prepaid, and properly addressed to the following:

**Appendix 3:
All Counsel in *Tucker v. Scrushy*
Pending Before The Honorable Allwin E. Horn III**

<u>Party</u>	<u>Name of Person to Serve</u>	<u>Email Address</u>
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OF COUNSEL:

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One of the attorneys for Plaintiff,
Wade Tucker

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
HEALTHSOUTH CORPORATION 2002 DERIVATIVE LITIGATION**

WADE TUCKER, ET AL.

Plaintiff

v.

RICHARD M. SCRUSHY, ET AL.

GREENWICH INSURANCE CO.

Plaintiff

v.

HEALTHSOUTH CORPORATION ET AL.,
Defendants

STEVEN R. NICHOLS, ET AL.

Plaintiffs

v.

HEALTHSOUTH CORPORATION ET AL.,
Defendants

FEDERAL INSURANCE COMPANY, ET AL.

Plaintiffs

v.

HEALTHSOUTH CORPORATION ET AL.,
Defendants

DENNIS FAMILY TRUST

Plaintiff

v.

HEALTHSOUTH CORPORATION ET AL.,
Defendants

CASE NO.: CV 02-5212

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES and REQUEST
FOR PRODUCTION TO UBS WARBUG**

Relates to Derivative Suits Only

CASE NO.: CV 03-3522

CASE NO.: CV 03-2023

CASE NO.: CV 03-2420

CASE NO.: CV 98-6592

PLEASE TAKE NOTICE that pursuant to Rules 26, 33 and 34, Derivative Plaintiff, Wade Tucker, on behalf of HealthSouth Corporation, hereby propounds the following discovery requests upon Defendant, UBS Warbug:

DEFINITIONS AND INSTRUCTIONS

1. "Employee" means any person who at any time acted or purported to act on behalf of an entity, or another person or persons, including all present and former officers, directors, executives, partners, principals, managers, staff personnel, accountants, agents, representatives, in-house attorneys, independent contractors, advisors, and consultants of such entity, person or persons.

2. “HealthSouth” or the “Company” refers to HealthSouth Corporation, any of its subsidiaries, divisions or affiliates (foreign and domestic), predecessors, successors and any present and former officers, directors, employees, agents or members of the Board of Directors of the Company, its attorneys, accountants, advisors and all other persons acting or purporting to act on its behalf.

3. “HealthSouth-related entity(ies)” include any organization, corporation, partnership or joint venture in which HealthSouth or Richard M. Scrushy held, acquired, or sold an equity interest or to which HealthSouth loaned money by any means, including, but not limited to, MedPartners, Source Medical Solutions, First Cambridge – HCI, Summerville Senior Living, Inc., MedCenterDirect.com, MJR Holdings, Inc., and/or Capstone Capital Corporation.

4. “March 1998 Offering” means an offering by HealthSouth on or about March 17, 1998 of approximately \$500,000,000 worth of notes pursuant to an Offering Memorandum dated March 17, 1998 and a registration of debt securities pursuant to the Registration Statement filed on or about May 8, 1998 and the exchange of unregistered debt securities for the registered debt securities.

5. “June 1998 Offering” means an offering by HealthSouth on or about June 17, 1998 of approximately \$500,000,000 worth of notes pursuant to an Offering Memorandum dated June 17, 1998 and the registration of \$500,000,000 worth of debt securities pursuant to the Registration Statement filed on or about August 14, 1998 and the exchange of unregistered debt securities for the registered debt securities.

6. “September 2000 Offering” means an offering by HealthSouth on or about September 20, 2000 of approximately \$350,000,000 worth of notes pursuant to an

Offering Memorandum dated September 20, 2005 and the registration of \$350,000,000 debt securities pursuant to the Registration Statement filed on or about December 15, 2000 and the exchange of unregistered debt securities into registered debt securities.

7. “February 2001 Offering” means an offering by HealthSouth on or about January 25, 2001 of approximately \$375,000,000 worth of notes pursuant to an Offering Memorandum dated January 25, 2001 and the registration of \$375,000,000 worth of notes pursuant to the Registration Statement filed on or about March 30, 2001 and the exchange of unregistered debt securities for registered debt securities.

8. “September 2001 Offering” means an offering by HealthSouth on or about September 21, 2001 of approximately \$600,000,000 worth of notes pursuant to an Offering Memorandum dated September 21, 2001 and the registration of \$600,000,000 debt securities pursuant to the Registration Statement filed on or about November 19, 2001 and the exchange of unregistered debt securities into registered debt securities.

9. “May 2002 Offering” means an offering by HealthSouth on or about May 17, 2002 of approximately \$1,000,000,000 worth of notes pursuant to an Offering Memorandum dated May 17, 2002 and the registration of debt securities pursuant to the Registration Statement filed on or about August 22, 2002 and the exchange of unregistered debt securities in the registered debt securities.

10. “Offerings” collectively means the March 1998 Offering, the June 1998 Offering, the September 2000 Offering, the February 2001 Offering, the September 2001 Offering, and the May 2002 Offering.

11. “Officers” refers to Richard M. Scrushy, William T. Owens, Weston L. Smith, Michael D. Martin, James P. Bennett, Anthony J. Tanner, Aaron Beam, Jr.,

Malcolm E. McVay, Emery W. Harris, Angela Ayers, Kenneth Livesay, Cathy C. Edwards, Rebecca Kay Morgan, Virginia B. Valentine, Richard E. Botts, Will Hicks, Jason M. Brown, and Catherine Fowler.

12. “Person” or “persons” refers to natural persons, proprietorships, governmental agencies, corporations, partnerships, trusts, joint ventures, groups, associations, organizations and all other entities.

13. “Registered Notes” means the notes that HealthSouth registered with the SEC and issued pursuant to the Registration Statements in connection with each Offering.

14. “Registration Statements” means the registration statements that HealthSouth filed with the SEC to register the Registered Notes.

“Unregistered Notes” means the unregistered debt securities that HealthSouth issued pursuant to Rule 144A in connection with each Offering.

15. “UBS Defendants” refers to UBS AG, UBS Warburg, LLC and any of their predecessors, successors, parents, subsidiaries, divisions, partnerships and branches; its international, foreign, national, regional and local offices; all present or former officers, directors, partners, employees, agents, attorneys, advisors, accounts, consultants and all other persons acting or purporting to act on its behalf, including Benjamin Lorello, Howard Capek and William McGahan.

16. “You” or “Your” means UBS Defendants, individually or collectively, to whom these Document Requests are addressed, or any owner, director, officer, employee, agent, custodian, parent, subsidiary, affiliate, predecessor, successor, attorney, accountant, representative, or other persons purporting to act on its behalf. The term “representative,” as used in this definition, means any person who has worked or is

working for You, or has acted or is now acting on Your behalf, including, but not limited to, any agent, official, director, employee, trustee, officer, attorney, attorney-in-fact, consultant, accountant, servant, limited partner, general partner, investigator, investment advisor, analyst, broker, broker-dealer, or dealer.

17. If the attorney-client privilege, attorney work product doctrine or any other privilege or immunity from discovery is claimed as to any response called for by these Interrogatories, you are requested to provide the information required by Ala.R.C.P. 26(b)(5).

18. Pursuant to Ala.R.C.P. 26(e), these Interrogatories are to be regarded as continuing in nature. You are therefore requested to provide, by way of supplemental answers or amendments thereto, such additional information as you, or any person on your behalf, may hereinafter obtain that will augment or modify the answers now given.

19. If, after the exercise of due diligence to secure all responsive information, you cannot answer an interrogatory in whole or in part, answer to the extent possible, specify your inability to answer the remainder, state whatever information or knowledge you have concerning the unanswered portion, and detail what you did to attempt to secure the unknown additional information.

INTERROGATORIES

1. Identify all financial transactions or business relationships since January 1, 1996 involving HealthSouth or any of its directors or Officers (including any member of his or her family and every family or business entity in which such director or Officer holds a direct or indirect interest) in which you played a role as an underwriter, initial purchaser, financial advisor or in any other capacity.

2. Identify, by transaction or business relationship, each of your current or former employees (excluding clerical staff) who performed services in connection with any of the transactions or business relationships referenced in Interrogatory No. 1, including such employee's (a) title at the time of the transaction, (b) description of duties and responsibilities in connection with such transactions, and (c) amount of time spent in connection with their work on these transactions.

3. Identify all potential or proposed transactions or business relationships since January 1, 1996 involving HealthSouth or any of its directors or officers (including any member of his or her family and every family or business entity in which such director or officer holds a direct or indirect interest) in which you played a role as an underwriter, initial purchaser, financial advisor or in any other capacity.

4. Identify with respect to each potential or proposed transactions or business relationships each of your current or former employees (excluding clerical staff) who performed services in connection with any of the transactions or business relationships referenced in Interrogatory No. 1, including such employee's (a) title at the time of the transaction, (b) description of duties and responsibilities in connection with such transactions, and (c) amount of time spent in connection with their work on these transactions.

5. Identify, by Offering, each person who was responsible for conducting any due diligence investigation or review on your behalf in connection with any of the Offerings.

6. Identify, by Offering, each person who was involved in pricing, marketing and/or distribution of the Unregistered Notes.

7. Identify, by Offering, each person (including counsel or other representative) who participated on your behalf in preparation or review of the Registration Statements or in any other aspect of the exchange process, including, but not limited to, pricing, marketing and/or distribution of the Registered Notes.

8. Identify, by Offering, the members of your commitment committees (or any other body charged with the authority to review and/or approve investment banking transactions at UBS) who reviewed and/or approved your participation in any of the Offerings, or other transactions involving HealthSouth or any of its employees, directors or officers.

9. Identify, by Offering, any of your directors, officers, employees or representatives who provided information in any civil, criminal, regulatory or governmental inquiry investigation or proceeding concerning HealthSouth.

10. Provide an itemization, including date, amount, source, and nature of work done or service provided, of all fees, commissions, interest income, capital and non-capital gains, expense reimbursements, or other income or revenues of any type, kind or description earned or received by or paid to UBS or any UBS affiliated entity, whether paid by HealthSouth or any other entity or person, in connection with each and every:

- a. purchase or sale of HealthSouth or HealthSouth-related entity securities;
- b. debt or equity offering or financing by or for HealthSouth or HealthSouth-related entity;
- c. loan or credit facility to or for HealthSouth, a HealthSouth-related entity, or an officer or director of HealthSouth or a HealthSouth-related entity;

- d. merger, acquisition, asset sale, stock sale or spin off involving HealthSouth or a HealthSouth-related entity on any side of the transaction;
- e. transaction in connection with which UBS or any UBS affiliated entity represented both HealthSouth or a HealthSouth-related entity or another party to the transaction;
- f. investment banking service for HealthSouth, a HealthSouth-related entity, or any officer or director of HealthSouth or a HealthSouth-related entity;
- g. fairness option issued to, for, or at the request of HealthSouth, a HealthSouth-related entity, or an officer or director of HealthSouth or a HealthSouth-related entity;
- h. re-purchase or "buy back" of stock by HealthSouth or a HealthSouth-related entity;
- i. equity research report issued by an equity research analyst relating to HealthSouth or a HealthSouth-related entity;
- j. other consulting, service, transaction, or work of every kind and nature for, on behalf of, or at the request of HealthSouth, a HealthSouth-related entity, or any officer or director of HealthSouth or a HealthSouth-related entity.

11. If UBS contends that it lost money in connection with any HealthSouth transaction or HealthSouth-related transaction, provide the following:

- a. a description of the transaction, including the parties involved and the date of the transaction; and
- b. the amount of the loss.

12. From 1999 until 2003, provide the following information:

- a. the total revenue of UBS's healthcare investment banking group;
- b. the percentage of that revenue that was derived from work for HealthSouth or HealthSouth-related transactions; and
- c. a listing of where HealthSouth and HealthSouth-related entities ranked as compared with other clients of UBS's healthcare investment banking group in terms of revenue generated.

13. With respect to any involvement UBS had with any HealthSouth-related entity, including investment banking services, consultation, issuance of fairness opinions, loans, equity or debt financing transactions, IPO's or other services or work of any kind, provide the following information:

- a. the nature of the involvement;
- b. the UBS employees who had any involvement with the HealthSouth-related entity;
- c. the fees, income or compensation of any type received by UBS related to involvement with the HealthSouth-related entity; and
- d. any profit or loss UBS attributes to its involvement with the HealthSouth-related entity.

14. Identify by year the total salary, bonus, severance, if applicable, and compensation of any type, separately identifying the amounts and/or value, the year paid, and the basis for such payment, as well as the dates of employment for the following individuals:

- a. Ben Lorello;
- b. William McGahan;
- c. Rod O'Neil;
- d. Geoff Harris; and
- e. Howard Capek.

15. Please state the name, address, and telephone number of all persons known or believed by you, or to persons acting on behalf of or under the direction you, including legal counsel, to have knowledge of any of the facts or matters at issue in this lawsuit, and state their relationship, if any, to the Corporation, its officers or employees.

16. If you expect to call or may call a witness as an expert witness in the trial of the case, state with respect to each such expert witness the following:

- a. His name, occupation, business address, and employer;
- b. The subject matter on which he is expected to testify, the substance of the facts and opinions to which he is expected to testify, and a summary of the grounds for each such opinion; and
- c. His education and experience or other background which you contend qualifies such person to testify as an expert witness in this case.

17. Identify any and all dates during which Howard Capek was restricted from publishing any report relating to any HealthSouth Securities, and identify the reasons for such restriction and the date it was removed.

18. Identify all UBS transactions in HealthSouth Securities and identify the reasons and/or circumstances for entering into such transactions.

19. Identify all investigations, inquiries and/or Wells inquiries of UBS by any governmental entity, including, without limitation, the Securities and Exchange Commission, the United States Department of Justice, and the New York Stock Exchange, from January 1, 1999 to the time of the response to these Interrogatories, including in your answer the current status and results of same.

20. State and describe the status and disposition by the SEC, specifically of the inquiry that was the subject of a Wells Notice that UBS received in or about December 2004 in connection with UBS's work for HealthSouth, including in your response the following:

- a. State in particular whether the said inquiry is ongoing or has been closed; and

- b. Identify all documents and correspondence advising UBS of the status of said inquiry, and of the proposed regulatory action that the Wells Notice advised UBS that SEC staff had recommended.

21. Please state the name, address, telephone number and expected testimony of any witnesses (other than those identified in Interrogatory 15) you expect to testify at the trial of this matter.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Provide copies of any and all documents, reports, analysis or things identified and/or referenced in your responses to the Interrogatories herein.

/s/ John Q. Somerville
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served on this the 28th day of November, 2007 by electronic means to the attorneys listed on Appendix 3 (shown below) pursuant to the Court's Order and by U.S. mail, postage prepaid, and properly addressed to the following:

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/s/ John Q. Somerville

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